

STATE BOARD OF PARDONS AND PAROLES

Sioux Falls, South Dakota
September 14, 15, 16, and 17, 2020

Parole Board meetings were held on September 14, 15, 16, and 17, 2020 at various locations in the State of South Dakota. A Full Board meeting was held on September 17, 2020 at the South Dakota Board of Pardons and Paroles Office commencing at 8:08 AM with the following present:

Myron Rau, Board Chair
Ken Albers, Vice Chair
Kirstin Aasen, Member
Gregg Gass, Member
Peter Lieberman, Member (via Zoom)
Ed Ligtenberg, Member
Chuck Schroyer, Member
Gordy Swanson, Member
Rev. Patricia White Horse – Carda, Member
Brad Lewandowski, Director SD Board of Pardons and Paroles
Karena Cassidy, Senior Secretary
Stacy Cole, Corrections Analyst
Traci Fredrikson, Operations Supervisor
April Maeschen, Program Assistant I
Val McGovern, Corrections Specialist
Jessica Beeck, Corrections Analyst Intern
Lexi Hanson, Corrections Analyst Intern

Quorum Present? Yes

REPRESENTATIONS: Catherine Schlimgen, Staff Attorney representative, was available via Zoom for questions.

SPECIAL GUESTS: Ian Miller, Case Manager, Liz Effling, Corrections Specialist, Riley DeGroot, Case Manager, Brenna Carlson SOMP Program Manager, Tim Schneider, Case Manager, Derek Ekeren, Case Manager, Lillie Tacke, Parole Agent, Tiffani Lebert, Parole Agent. Dusti Werner (via Zoom), Risk Reduction Manager, Britany Shelburg (via Zoom), DSP Case Manager.

MINUTES: Board Member Ligtenberg made a motion to approve the minutes from the August 2020 meeting of the Board. Board Member Aasen seconded the motion. All members voting aye; the motion carried.

HEARING PANELS: Board Members Schroyer and Lieberman held parole hearings via Zoom for the South Dakota Women's Prison the morning of Monday, September 14, 2020. Board Chair Rau and Vice Chair Albers held parole hearings via Zoom for the Yankton Community Work Center and reviewed and signed waivers, early/partial/final discharges at the South Dakota Board of Pardons and Paroles building. Board Member Kirsten Aasen did not attend parole hearings at the Jameson Annex on Wednesday, September 16, 2020.

AGENDA ITEMS:

APPEARED/REVIEWED BEFORE THE FULL BOARD (NINE MEMBERS) IN SIOUX FALLS
THURSDAY SEPTEMBER 17, 2020:

The following offender appeared before the full board for a Parole hearing. Board Member Aasen made a motion to deny parole. Board Member Ligtenberg seconded the motion. All Board Members voting aye the motion carried.

Brian Bakker

The following offender appeared before the full board for a Parole hearing. Board Member Swanson made a motion to grant parole to new number 43447. Board Member Aasen seconded the motion. All members voting aye, the motion carried.

Ronald Coleman

The following offender appeared before the full board for a Parole hearing. Board Member Schroyer made a motion to grant parole. Vice Chair Albers seconded the motion. Board Members Gass, Ligtenberg, Aasen and Lieberman voting nay, all other members voting aye, the motion carried.

Burton Landman

The following offender appeared before the full board for a Parole hearing. Board Member Lieberman made a motion to grant parole. Board Member Swanson seconded the motion. All members voting aye, the motion carried.

Christopher Quick Bear

The following offender appeared before the full board for a Parole hearing. Board Member Ligtenberg made a motion to deny parole. Board Member White Horse - Carda seconded the motion. Vice Chair Albers, Board Members Schroyer and Lieberman voted nay. All other members voting aye, the motion carried.

Jerry Setzer

The following offender appeared before the full board for a Parole hearing. Vice Chair Albers made a motion to deny parole. Board Member White Horse - Carda seconded the motion. Board Member Swanson voted nay, all other board members voting aye, the motion carried.

Philip Steele

The following parolee was paper reviewed by the full board for an early/partial discharge. Vice Chair Albers made a motion to grant parole. Board Member Swanson seconded the motion. All members voting aye, the motion carried.

Jeremy Emery

The following Parolee was paper reviewed by the full board for an early/partial discharge. Vice Chair Albers made a motion to grant the early partial discharge of 5 years. Board Member Swanson seconded the motion. All board members voting aye, the motion carried.

Charles Tudor

Director's Report: Director Lewandowski was available and updated the board on the following Chair Rau was inducted into the 2020 SD Transportation Hall of Honor on August 26; congrats, Myron! A date has not yet been set for a celebration banquet. The Board's structured decision making framework (SDMF) coding data was sent to Carlton University/Dr. Serin for validation. Board members received Microsoft Surface Pro tablets and will begin using them during September pardon hearings; hearing folders are being created in Share Point. The office received 11 pardon applications in August and hearings are being scheduled two months out. Staff and board members communicated regularly regarding changes to hearing processes due to COVID. Zoom accounts were purchased; half of August hearings were conducted by Zoom and half in person with guests still participating by Zoom. Staff have begun discussions on proposed legislative changes for next year. Operations Supervisor Traci Fredrikson began consulting the Ohio Parole Board on the implementation of the SDMF along with Richard Stroker with the Center for Effective Public Policy (CEPP). Corrections Analyst Stacy Cole celebrated six years with the State of South Dakota. Congrats, Stacy

Director of Field Services Report: Kayla Stuckey was unavailable, and Brad Lewandowski provided an update to the board. Safety and Training: Due to the COVID-19 pandemic, all field offices remain closed to the public. Agents meet with offenders outside of the office, keeping in mind COVID precautions. Agents are meeting with offenders in office parking lots and outside of residences and places of employment. Agents are utilizing creative ways to complete other contacts such as picture messages, Facetime, etc. Agents are also limiting detainments to assist in limiting exposure to jails and DOC institutions. Agents are working with offenders currently on detainment or in CTP to find community placements/ residences as quickly as possible. SE Region completed CR2 training August 11-12 in Sioux Falls. NE Region completed annual DT training on August 13th in Watertown and is also completing an annual policy review. NE Region completed SIMS training with four new agents August 24-26 in Watertown. WE Region completed annual DT training August 10-12. Southeast Region Staff Update: Proficient agents (not including agents in training or supervisor) have an average caseload of 79.95. Mitchell JCA Grosdidier is assisting with the supervision of 24 indirect/minimum/medium cases for the Sioux Falls office. Agent Day will return from military leave and is tentatively scheduled to do firearms training on 9/4/20, DT training on 09/23-09/25, SIMS on 09/16, and CR2 on 9/14-9/15. He will also complete annual policy review in September. The Southeast Region supervised 19 extended confinement cases this month. The two open FTE positions for Parole Agent Case Managers in the Sioux Falls Office have been filled. Angie Famestad will start on 9/9/20 and Rynne Davis will start on 09/16/20. Agent Halvorson accepted a position as a Deputy Sheriff in Lincoln County. Her last day with the Parole Division will be 09/11/2020. Current Parole Agent Case Manager Andrea Fromelt expressed

interest into transitioning to an armed agent position and was allowed to transfer into Agent Halvorson's position. The current certification list for the open Parole Agent Case Manager was utilized and another candidate was identified. Eric Rempher accepted a conditional offer and is currently in the background/polygraph investigation stage. He has a tentative start date of 09/24/2020. Northeast Region Staff Update: Proficient agents (agents out of training, not including supervisor) have an average caseload of 90.11. The SWO agent position remains open. It has been posted until the position is filled. Agent Beyl continues coverage of 97 SWO cases. Agent Seim has assumed additional cases that were previously supervised by Agent Beyl. The interview process remains ongoing for the agent position in the Mitchell Field Office. New Brookings Agent Tiffani Lebert started her agent duties on 7/27/20. Agent Lebert and Aberdeen Agent Tacke are participating with critical safety training - firearms were completed July 28-31, defensive tactics on August 3 and 6-7, and reality-based training on August 24-26. EPICS training was completed August 4-5. Agent Kollars supervises 9 cases under the Flandreau Santee Sioux Tribal Program. Juvenile Corrections Agent Thrury assists with supervision of 18 cases in the Watertown Office. West Region Staff Update: Proficient agents (agents out of training, not including supervisor) have an average caseload 81.11. The West Region supervised 20 extended confinement cases this month. A conditional offer was made for the open parole agent case manager position and a polygraph is waiting to be scheduled. Juvenile Corrections Agent Leighty is assisting the Spearfish office in the supervision of 50 offenders.

Legal Issues: Catherine Schlimgen was available via Zoom and provided the following updates for the board:

Supreme Court Update:

- Highbanks: Summarily Affirmed
 - Issue: Parole/Suspended Sentence Revocation
- Scheetz: New Appeal
 - Issue: Parole Date Calculations

Board Training and COMS Updates: Traci Fredrikson was available. No updates available.

Policy Review: Policy 8.1.A.4 Parole Date Review, 8.1.A.5 Parole Board Decisions & Setting of Next Review Dates, 8.1.A.6 Code of Ethic, 8.1.A.8 Restitution Hearings, 8.1.A.11 Withholding Parole Eligibility, 8.1.A.16 Compassionate Parole. Board member Ligtenberg made a recommendation to adopt the motion. Board Member Swanson seconded the motion. All members voting aye the motion carried.

RECUSALLS:

Board Member Swanson recused himself from the following hearing(s);

Tad Tavenner.

Decisions: Board Member Schroyer made a motion to ratify and affirm all decisions: Board Member Ligtenberg seconded the motion. All members voting aye; the motion carried.

ATTACHMENTS – DECISIONS: Please refer to the attached listing entitled Board Decisions for all parole violations, suspended sentence violations, non-compliance, discretionary parole, earned discharge, and rescission decisions made by the Board this month.

Adjournment: Vice Chair Albers made motion to adjourn the September 17, 2020 meeting of the Board. Board Member Lieberman seconded the motion. All members voting aye; the motion carried. The meeting adjourned at 11:57AM Thursday, September 17, 2020. The next board meeting is scheduled for October 22, 2020 at 8:00 a.m.

SD BOARD OF PARDONS AND PAROLES

Myron Rau, Board Chair or Ken Albers, Vice Chair

Brad Lewandowski, Director

Submitted by:
Karena Cassidy
Senior Secretary